

Review of the Claims

OF

"The Pioneers of Rupert's Land"

1836 to 1870

"The Pioneers of Rupert's Land" is the designation adopted by an Association of the Whites who came to the Hudson's Bay Company's Territories of Rupert's Land and the North West, now included in the Provinces of Manitoba, Saskatchewan and Alberta, the North West Territories and the Keewatin and Yukon districts, from the 1st day of January, 1836, to the 15th day of July, 1870 (the latter being the legal date of the transfer of these regions from the rule of the Hudson's Bay Company to that of the Dominion of Canada), in various capacities, and as British subjects held the country by occupancy and possession for the Empire.

ITS MEMBERS

Our membership includes the names of Catholic and Protestant missionaries, medical men, merchants, mechanics, miners, traders, trappers and farmers, who came not in the Hudson's Bay Company's service, as well as those who came under the auspices of that company as their employees and military and agricultural settlers, who were alive at the date of the transfer of their country to Canada.

THEIR MERITORIOUS SERVICES

The First Farmers from Ontario

The benefits which the Canadian farmer-pioneers on the Plains of Portage la Prairie, from 1860 to 1870, conferred on the country by showing the world the way to till the prairie from Red River to the Rocky Mountains, are history. Omitting, as not within the scope of this review, personal mention of the worthy native-born loyalists who first formed the Portage la Prairie Settlement, the names of a few of the prominent pioneers who joined them from abroad must be given. Amongst these were the late Senator Boulton and Mr. Kenneth Mc-

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Kenzie of Burnside, whose worthy sons still there remain; that patriarch of the Portage, the Hon. Francis Ogletree, who still survives; and the sons and daughters of the McLean, McDonald, Bell, Howie, Fawcett and other great farming families of the famous "Portage Plains."

They took up arms in 1869-70, and in the Fenian Raid of 1871, along with other loyalists on behalf of Canada, which should surely entitle them and their fellows to as much consideration as has been given to the volunteers of the Red River Expeditions of 1870 and 1871, of the Saskatchewan Field Force in 1885, and to the Canadian volunteers of the War in South Africa, as well as to the Fenian Raid veterans of the older provinces, of 1866 and 1870.

The Missionaries in the Red River Settlement

All who profess and call themselves Christians must give thanks and praise to the devoted pioneer missionaries of all denominations who labored, not in vain, in the Red River Settlement and among tribes and isolated white communities in the Great Lone Land. Laymen of the pioneers of Rupert's Land have the honor to have associated with the great and good Bishops Tache of St. Boniface, Machray of Rupert's Land, and their clergy; with the Reverend Fathers Black of Kildonan and Young of Winnipeg, representing Presbyterian and Methodist denominations, all of the present of Manitoba. Out of all these now departed pioneers of the one, the Venerable Archdeacon Thomas Cochran, was the first having come in 1834, to receive an original white settler's children of couples which these very clergymen after 1835, because forsooth their ancestors had come prior to that wonderful year, received the reward denied these their respective pastors and masters, was a misfortune to enter upon their career as missionaries a few years after that unexplainable date.

The Missionaries of the North West Territory

Outside the originally narrow limits of Manitoba, the noble army of missionaries whose services should be recognized, are those of the late Roman Bishops Gray and Clut; of the Anglican Bishops McLean and Bompas; the Methodist missionary, the Reverend George MacDougall; the first Presbyterian missionary in the North West Territory, Red River, the Reverend James Nesbitt of Prince Albert, and many other clergy of their churches, too numerous for precise mention in this essay, sleep with their fathers. But the descendants and legal representatives is this debt of the Dominion still due; and so should it be paid, while they are still in the land of the living, to such men as Bishop Grouard and Vicars General Lacombe and Leduc of Alberta and Allard of Winnipeg, of the Roman faith; to Bishop Reeve, formerly of Athabasca and Mackenzie River, and

Bishop Pinkham of Calgary; to Archdeacon Phair of Winnipeg; to the Reverend Alfred E. Cowley (and the other children of that other notable missionary, the Venerable Abraham Cowley, who suffered by the Exclusion Act of 1874); and to the Reverend Dr. John McDougall, of Alberta (and other members of the late Rev. George McDougall's family).

The Medical Men

Mention must not be omitted of those pioneers of the noble profession of medicine, in Rupert's Land, at the time of the Transfer, who were not deemed worthy of recognition by the Exclusion Act. Dr. J. the descendant of Chief Factor James Bird was excluded by the said Act, as he came to the country; but neither Doctors Beddome, who were qualified, because they were left heirs to their rights; nor those who came to the country after the Transfer, such as Dr. John McKay, now living in the country, though past the allotted time for service in the

Winnipeg

It is to honor the memory of those without surname, who came to the Transfer, that the following are respectfully mentioned: Bannatyne, Robert, Robert, James, the Exclusion Act, Ashdown

rest the exclusion of Head- and Celestin St. Andrews.

Settlers

Red River Settlers came out from the Hudson's Bay Company after the date of the Transfer. Children are perhaps still living, who married Mr. the Forts Garry in that district and most respected district today.

The Hudson's Bay Company's Soldier Settlers

It is of interest, if not of importance, to premise that everyone engaged by the Hudson's Bay Company in Britain for service in North America was bound to perform military duty when called upon. The military settlers proper, however, consisted of the regulars who took their discharge when the wing of the 6th Foot, with detachments of gunners and sappers, returned to England from Fort Garry in 1848; of the disbanded "enrolled pensioners" who succeeded the 6th at Fort Garry; and the men of the Royal Canadian Regiment who took their discharge when the force left the settlement in 1861. Among this class was the late well-known and accomplished Chief Factor Camsell, who sold his commission in the last-mentioned force and entered the Hudson's Bay Company's service. The families of others belonging to these bodies, such as Messrs. Salter, Armstrong, Irwin, Mulligan, Turner, Kenny, Moyse, Stodgill, Devlin, Rickards and others, have been perpetuated by numerous descendants residing in Manitoba to-day.

Hudson's Bay Company's Regular Officers and Men

Scant justice and credit have been given to the officers and men of the Hudson's Bay Company, either by the Company itself in London or the general public, for the good and efficient services they rendered, without such extraneous military assistance as was occasionally required in the Red River Settlement and in Manitoba, throughout the vast interior, in their wonderful management of the Indian tribes. The services which, in alliance with the missionaries, these Hudson's Bay men performed so unostentatiously in occupying the country, and, by their presence along the international frontier, in preserving it from foreign encroachment, have never been realized by "the outside world." Only the early travelling sportsmen who visited the country, and afterwards the Dominion surveyors and agents, who entered upon their duties unsupported by the Royal Mounted Police Force, can tell the enormous influence for peace and the upholding of order which was exercised by the Company's men. Many Dominion officials, coming quite unprepared for their new duties in the wilderness, have acknowledged with gratitude the information and assistance given them by the Company's people and the missionaries. Without the aid of the admirably trained men of the Company, Canada would have required a force of ten times the number of Mounted Police to perpetuate the peace, so long maintained throughout the wilds, by these frontiersmen of the Empire—the unrecognized "Hudson's Bay men."

The secret of their moral power and influence over the wildest Indians was their inflexible honesty in the performance of every promise, with all it might imply, even to their own hurt. A white man, in those days of unwritten law, who broke his word, was considered a shame and a disgrace to his race. Therefore, it is very difficult for the old men who lived under such conditions to conceive that any Government under the venerated Crown of the United Kingdom can refuse to

fulfil the pledges made to them in the name of Queen Victoria, and having the same force and effect as a treaty, under which they came into Confederation.

That "righteousness which exalteth a nation" has been lamentably absent in the varying party administrations of Canada who have permitted a question, which should be regarded as a debt of honor for prompt payment, to remain for over forty years unsettled, during which period lavish gifts of the lands of the North West have been made to other classes, thereby continually reminding the Pioneers of their just and lawful unsettled claim against Canada.

QUEEN VICTORIA'S PROCLAMATION TO PEOPLE OF NORTH WEST, 6th DECEMBER, 1869

The reader need not be reminded of the unfortunate mistakes of the high contracting parties in London and Ottawa which led to the Red River troubles of 1869-70; but we take the occasion to record with gratitude the sympathy then displayed by our late beloved Queen Victoria in personally intervening on behalf of her non-consulted and unrepresented subjects in these Territories and causing the Proclamation of His Excellency Sir John Young, to be issued to her loyal subjects in the North Western Territories on the 6th day of December, 1869, which was promulgated by Mr. Commissioner Donald A. Smith at Fort Garry, on the 19th day of January, 1870. copies of which were sent to every Hudson's Bay post and every mission station throughout the Territories, and at these interpreted and explained to the people of every race, and accepted in well founded good faith and reliance as the Charter of their rights by every loyal subject of Her Gracious Majesty.

That Proclamation the Charter of the Pioneers' Rights

We earnestly request attention to the terms of this Proclamation which constitute the basis of the understanding upon which we as loyal subjects consented to the Union with Canada. It is our Magna Charta and an Imperial Treaty safeguarding our rights as British subjects in the occupation and possession of the North Western Territories before they were permitted by the Imperial Government to become a part of the sister colony of Canada; for Her Gracious Majesty commanded (April 28, 1870) "that troops must not be used to force Canadian sovereignty on the North West against the will of the inhabitants."

It Gives Assurance of British Justice and Right of Appeal to Governor-General

The Proclamation assured us that "on the Union with Canada all your civil and religious rights and privileges will be respected, your properties secured to you, and that your country will be governed, as in the past, under British laws and in the spirit of British justice."

This paragraph was preceded by one stating: "Her Majesty commands me to state to you that she will always be ready, through me as her representative, to redress all well founded grievances; and that she has instructed me to hear and consider any complaints that may be made, or desires that may be expressed, to me as Governor-General."

But not until every other method has been found unavailing, will Canada be put to shame by a formal appeal to H.R.H. the Governor-General for redress of the well-founded grievance of the Pioneers.

RIGHTS OF POSSESSION IN A WILD COUNTRY

**Opinions of Counsel Extracted from the Minutes of Evidence Taken
Before the Select Committee of the British House of Com-
mons on the Hudson's Bay Company, 23rd June, 1857.
Evidence of Rt. Hon. Edward Ellice, M.P.
Pages 332 and 333. Paragraph 5849**

This is the legal opinion of Mr. R. S. Coxe, and it states: "Mr. Greenough says: 'The Hudson's Bay Company's establishments in Oregon have been, until recently, devoted entirely to the collection of furs; but within a few years many farms have been laid out and worked, and large quantities of timber have been cut and sawed, and exported to the Sandwich Islands and Mexico, for the benefit of the Company.' " This is the American account. It shows, at all events, that the Company have not been idle. Then it goes on to state the possessory rights as this lawyer understands them. "It cannot, in my judgment, and from the evidence accessible to me, be contended with any shadow of reason that actual surveys, lines of exact demarcation, enclosures or anything else, defining and circumscribing the extent of ground thus appropriated or reserved, such as might be necessary in the case of a private individual asserting an adverse possessory right against a paramount legal title, can under any circumstances be required as an essential foundation or support of the title of the Company. The felling of timber spars throughout a tract of forest land, the pasturing of cattle over plains and hills, are all legal acts of ownership, and under circumstances would constitute the most conclusive evidence of such possessory rights as are recognized and protected in the Treaty of June, 1846. In regard to the Puget Sound Agricultural Company, the information which I possess is even less distinct and authentic." Then if you wish to know who Mr. Coxe is, here is the opinion of Daniel Webster, whom we all know. He says: "I have received your letter requesting my opinion upon the extent and nature of the possessory rights of the Hudson's Bay and Puget Sound Companies by the Treaty of July, 1846. In reply I would say that I entertain no doubt that these companies have a vested proprietary interest in these lands. Their title to its full extent is protected by the Treaty, and though it is called a possessory title, it has been regarded as being, if not an absolute fee in the land, yet a fixed right of possession, use, and occupation as to prevent the soil from being alienated to others."

This is another opinion of Mr. Edwin M. Stanton. He says: "Their possessory right is not to be estimated by a mere *possessio pedis*. The term of the Treaty, 'possessory right,' being a relative term, is to be interpreted according to the subject matter, the nature and purpose of possession. Even in case of intruders without color of title holding against the rightful owner, settlers' possessions have been defined in the State of Pennsylvania, where such claims have been much discussed, as embracing the whole of an unseated tract, where the settler has entered claiming and exercising ownership, putting up buildings, clearing or fencing more or less, using it according to the custom of the country; the clear land, either as arable, meadow or pasture, and the woodland for obtaining timber, as often as the settler shall have occasion for it to answer his purpose." Then he says: "Now, the territory north of the Columbia is adapted chiefly for fur trade; possession would therefore be manifested 'according to the custom of the country,' by hunting and trapping. A hunting or fur trading country must either be incapable of legal possession, or its possession must be manifest by some other means than habitation, fence, and inclosure." I need not go through this, but these are the opinions of the American lawyers taken by the American Government, during the time of this negotiation between the Hudson's Bay Company and the American Government, for the sale and transfer of the possessory rights possessed by the Hudson's Bay Company and the Puget Land Company in the district of Oregon. These are the United States' opinions upon a reference by the United States Government to these lawyers.

MISTAKEN IDEA THAT HUDSON'S BAY COMPANY GAVE CLEAR TITLE TO CANADA

Owing to the history of land tenures in the North West during the regime of the Hudson's Bay Company being a sealed book to the general public, it is generally assumed that in surrendering their rights they gave to Canada a clear title, subject only to that of the Indians. The surrender, however, was merely a Quit Claim, and imposed upon Canada the duty of settling all other claims. Broadly described, these claims were of two classes: (1) Those of individuals on the surveyed lots of the Red River Settlement, bordering the Red and Assiniboine Rivers; (2) those of the nomadic Indians and also the nomadic missionaries and traders who resided among them outside the limits of the surveyed lands of the Red River Settlement.

Besides Confirming Company's Grants, Canada Recognized and Confirmed Other Rights Acquired by Occupancy and Usage in Red River Settlement

As required by Clause No. Ten of the Company's Deed of Surrender, Canada confirmed the titles of the owners of river lots acquired from the Company by purchase or as free grants "for services rendered."

It is important, to remark that Canada also made good the title of the squatters who happened to be residing, without any authority from the Company, on lots not claimed by others, on the 15th day of July, 1870—a clear admission of the principle of occupancy and possession conferring individual rights to the soil.

Moreover, in addition to confirming these grantees from or through the Company and these were squatters in their possessions within the surveyed two-mile river belt which was ceded by the Indians in 1817, an Order-in-Council was passed in April, 1874, conceding to these an additional two-mile lot each immediately in rear of these fronting on the river, because, while these "outer two miles" (as they are called) were still unceded by the Indians, they had been used for pasturage and haygrounds by the settlers on the adjacent "river lots." Thus the owners of these river lots by this Order-in-Council had their original holdings of land doubled in area.

Also in the Province at Large by Grants of Half-breed Scrip

Besides all this, each of them who was partly of Indian blood received the half-breed land scrip giving them the privilege to select from 160 to 240 acres of "any Dominion land open for homestead and pre-emption," and to receive, without the performance of either residential or cultivation duties, a free patent therefor—the qualification was that these must have been "residing in Manitoba at the time of the Transfer." 15th July, 1870.

Also by "Original White Settlers' Grants" to a Class Erroneously Restricted

The benefit of these additional "scrip" free grants of Dominion lands was not solely confined to the halfbreed owners of the river and outer two mile lots; it was extended also to a section of the whites of this class, limited to those who had arrived in "the Red River Country" prior to the year 1836 (why not to 15th July, 1870, as in all other such cases, has never been explained), but the privilege was also extended to their white descendants born after 1835 and up to 26th May, 1874 (why not, like others, to 15th July, 1870, has never been explained).

OTHER "ORIGINAL WHITE SETTLERS" UNACCOUNTABLY DEPRIVED OF RIGHT TO EQUAL GRANTS

The whites belonging to class 1, who came after 1835 and up to 15th July, 1870, received nothing equivalent to the scrip for Dominion lands granted their fellow-countrymen; the half-breeds, and their white brethren who happened to come to the country before 1836, AND THESE ARE THE INHABITANTS OF MANITOBA who are joined with their fellows from the old TERRITORIES in THE PIONEERS OF RUPERT'S LAND, who are composed of the people of PROFESSIONAL, COMMERCIAL AND OTHER OCCUPATIONS previously described herein. None of these were in any conceivable respect in-

ferior in good qualities to even the most respectable of those who had come "to the Red River Country" prior to 1836. These men naturally felt aggrieved because they were not treated in this respect on the perfect equality they were entitled to expect, not only with their predecessors before 1836, but also with the descendants of these, who were their contemporaries and born in the country during the period from 1836 to 1870. And being of importance, their claim to equal treatment was taken up from time to time by the Legislature of Manitoba, by their representatives in Parliament at Ottawa, and by delegations of their own to the Dominion Government from 1873 down to 1914, but hitherto without avail.

FALSE SUPPOSITION THAT LORD SELKIRK'S SETTLERS HAD ANY SPECIAL RIGHTS

In attempting to find some excuse for this invidious distinction, it has been surmised, by the apologists of the Dominion Government, that the settlers who were brought to the Red River Country as colonists from 1813 to 1835, while the District of Assiniboia was held under the Hudson's Bay Grant of lands to the Earl of Selkirk, had some special privileges assured to them in their contracts with that estate, to which none of those coming to the country after 1835 (when the property reverted to the Hudson's Bay Company) had any such right or claim. This assumption is contrary to the facts of history, for when the original grantee from the Hudson's Bay Company, Thomas, the fifth Earl of Selkirk, visited this colony in August, 1817, in consideration of the dangers and hardships his colonists had suffered, he cancelled all their obligations to pay him, and put them in free possession of their lots from Fort Douglas to Image Plain—which became the parish of Kildonan. Besides rewarding them in land grants, he obtained for them the privilege of being allowed to distil 20 gallons of whisky yearly per family, which Governor Simpson had trouble to induce them to commute for a cash consideration about the year 1834. This special privilege to distil spirits is the only special privilege which "the settlers who came under the auspices of the Earl of Selkirk" ever enjoyed, which was not shared by their contemporary colonists, discoverable in any published history.

ONE-TENTH OF ASSINIBOIA WAS RESERVED FOR RETIRED HUDSON'S BAY SERVANTS

In the Grant of Lands in Assiniboia to Lord Selkirk in 1811, the Hudson's Bay Company reserved an undivided tenth part of the area to be set out, at their request, by the Earl, to their servants who after three years' service might retire from the fur trade to settle as farmers in the country. After the tranquility following the Union of the North West with the Hudson's Bay Company in 1821, their disbanded supernumerary employees came with their native wives and children in numbers much exceeding that of all Lord Selkirk's immi-

grants put together. It is from that date, says Governor Simpson, that the permanent settlement on the Red River really began, and left the settlers no foe to fear but the forces of nature. Some of the Hudson's Bay people had already received grants, of 1,000 acres to chief factors down to 50 to laborers, in the settlement belt. Every veteran of the fur trade of either company was, at that time, given for services rendered a free grant and the privilege of purchasing extra acreage for cash. Many of the Hudson's Bay servants' contracts stipulated for this free land grant on their retirement, and the privilege was taken advantage of until most of the surveyed lots in the Protestant parishes had passed out of the hands of the Company, or had been taken possession of, without their leave or license, by those found in occupancy on 15th July, 1870, whose title was made good by Canada.

THE DOMINION ACTS IN FAVOR OF THE SELKIRK AND OTHER WHITE SETTLERS, EXCLUDING THOSE OF 1836-70

An Act (36 Victoria, Chapter 57) was passed in 1873 by the Dominion, which granted 49,000 acres of land to the white settlers "who came to the Red River Country" "under the auspices of the Earl of Selkirk" from 1813 to 1835, both inclusive, and to their children (afterwards interpreted as descendants) not being half-breeds, born thereafter. As the half-breed heads of families in Manitoba had not received any share of the 1,400,000 acres set aside for "the families of half-breeds" residing therein on 15th July, 1870, the Act aroused them to demand free land grants for themselves; so to quiet them an Act (37 Victoria, Chapter 20) was passed, 26th May, 1874, which gave to each of them resident in the country on 15th July, 1870, the right to a free grant of 160 acres. Following sections of the Act repealed that of the previous year which had been solely in favor of Lord Selkirk's settlers, and granted to them and their children each 160 acres of land in the form of scrip for \$160, redeemable in Dominion lands at the then price of \$1 per acre. Another section conferred the same privilege on these white settlers who had **not** come under Lord Selkirk's auspices, but had arrived "in the Red River Country" between 1813 and 1835, both inclusive. Why not residing therein on 15th July, 1870, the qualification of all other grantees?

This Exclusion Continued in Subsequent Orders-in-Council

It was this unfortunate mistake in the retention and re-application of the dates (1813-1835), which were entirely without sense or validity in the case of those who had nothing to do with Lord Selkirk, which has caused the grievance of which the Pioneers of Rupert's Land have so long complained; and the mistake was perpetuated in the Order-in-Council of nineteenth day of April, 1886, which extended the benefit to the whites outside of "the Red River Country" and residing in regions far beyond the utmost limits of Lord Selkirk's original grant.

An Analysis of the Specially Favored Classes of "Original White Settlers," Who Received Grants of 160 Acres Each, Under the Act, 37 Victoria, Chapter 20, Passed on 26th May, 1874

Class 1—Those who came between 1813 and 1835	244 or 30%
Class 2—Descendants of Class 1, born between 1st January, 1836, and 15th July, 1870.....	477 or 55%
Class 3—Descendants of Classes 1 and 2, born between 15th July, 1870, and 26th May, 1874.....	128 or 15%
Total grants	849

Had the right been one INHERENT in those of Class 1 only, it should not have been multiplied by granting 605 claims to their descendants, q.e.d.

THE CLAIM OF THE TERRITORIAL PIONEERS AS STRONG AS THAT OF THOSE IN MANITOBA

The Territorial Pioneers

The statements made in previous paragraph re "Rights of Possession" are peculiarly applicable to those who pursued their various callings at the outposts of Empire, on the plains now known as Saskatchewan and Alberta, and in the sub-Arctic forests of the Great North Land. These avocations necessitated the frequent change of abode, which, even where the natural conditions were favorable for agricultural settlement, absolutely debarred them from acquiring individually for themselves even a squatter's right. They made free use of the resources of the country according to their requirements. Their horses and cattle grazed at large on free pastures, the meadows provided hay for the winter, the woods free fuel, the waters fish, and the prairie and forest game in season, until the advent of settlement took away these common privileges, and competition in freighting and fur trading ruined these pursuits.

The Transfer More Beneficial to Red River Settlement than to the North West Territories

It must be emphasized that while the changes brought about by the Transfer were largely beneficial to the agricultural community of Red River Settlement, no fully compensatory benefits accrued to those engaged in the necessarily nomadic occupations in the wilderness beyond. Yet the few pioneers in the Territories who were found in advance of treaties with the Indians and surveys in fixed abodes were allowed only 160 acres each as squatters' rights; while a Red River settler or squatter on an average sized river lot of 160 acres received another 160 acres in rear thereof, in commutation for his claim to pasture and hay privileges, in the "outer two mile" belt which was not ceded by the Indians until after the Transfer.

Considering the very much larger area of the Territories, which the pioneers therein held by "occupancy according to the custom of the country," than that of the original province of Manitoba, and the practical extinction of many of their occupations, while they certainly had acquired equally valid rights of pasturage and hay in the unceded country to those granted the Red River settlers, the area allowed to the squatter of 160 acres in the Territories appears most disproportionately small.

EXPLANATION OF DELAY OF TERRITORIAL PIONEERS IN MAKING CLAIM

While many of them had heard of the privileges which had been granted to their fellow whites in Red River Settlement, such recognition in their own case would have been of no use while they remained in the wilds. Means of communication by which they might have united for co-operation to secure these privileges were wanting.

When the halfbreeds in the Saskatchewan took up arms and forced the Government to concede to them in 1885 equal treatment with their fellows in Manitoba, that Government might well have given consideration to the Pioneers, who on that, as on every other occasion, were peacemakers. When Sir Wilfrid Laurier asked of a delegation, which was pressing the Pioneers' claims on him in Ottawa, why they had not taken advantage of that opportunity, the Rev. John McDougall replied, with spirit, "We were then much more concerned in preventing the spread of the Rebellion than in looking after our own rights."

For many long years these men, who had promulgated the Queen's proclamation in absolute good faith to quiet the fears and allay trouble among the native people, never doubted that when full provincial standing should be given to the new prairie provinces, similar measures would be taken to extinguish their pre-Confederation rights as had been taken in Manitoba. The pioneers in Manitoba also looked to the occasion as one on which they might, in co-operation with their fellows in the Territories, secure the settlement of the claim which, in spite of ever-recurring efforts, had been put off by successive administrations at Ottawa. When it was found that the autonomy bills of 1905 had been enacted without making the expected provision for the pioneers, they applied to the local governments, who in due time declared the matter was one for the Dominion, not the provincial authorities to settle. It took some time, even with the aids of modern communications, to organize the Association of the Pioneers, and it was not till the spring of 1908 that the association was able to circulate and send down to Ottawa their first petition.

DENIAL OF ALLEGATION THAT THE CLAIMS WERE NOT PREVIOUSLY PRESSED

Complete details of the efforts for a settlement made again and again from 1871 down to 13th December, 1910, were given in the memorial handed to the Right Hon. Sir Wilfrid Laurier, Premier, and

the Hon. Frank Oliver, Minister of the Interior, on the latter date, at Ottawa, by the Very Rev. Vicar General Leduc and Mr. Cowie. The memorial cited dates and particulars showing, from 1871 onwards, the unanimous efforts made by the people and the press and the Legislature of Manitoba, also the public utterances of their representatives in the House of Commons, Mr. Donald A. Smith (the commissioner, who on behalf of Canada, negotiated the terms of Union), Dr. Schultz and Mr. Cunningham, in favor of the equal treatment of ALL CLASSES OF WHITES "RESIDING IN MANITOBA AT THE TIME OF THE TRANSFER" in respect to land grants.

The memorial also gave particulars of the efforts which followed on the passage of the Discriminatory Act, 37 Victoria, Chapter 20, which by taking the arbitrarily assumed dates "between 1813 and 1835, both inclusive," to limit the right of "the original white settlers," irrationally departed from the limit which was set in every other enactment for the extinguishment of pre-confederation land rights in the Province of Manitoba, and invariably expressed therein by the words "RESIDENT IN MANITOBA AT THE TIME OF THE TRANSFER," which was, as we all know, the 15th day of July, 1870.

BRIEF LATER HISTORY OF THE CASE

In the several interviews between the Right Hon. Sir Wilfrid Laurier, accorded by him as Premier, and the Pioneers' delegates, he declared that he did not dispute the justice of the claim, but he merely considered it "too old." This "old" argument was demolished by Mr. Arthur Meighen and Mr. F. D. Monk in the House of Commons, 25th July, 1911.

Desiring to keep this non-party matter out of politics, the Pioneers, encouraged by a letter, 26th July, 1911, from Sir Alan Aylesworth, attempted to have it tried in the Exchequer Court. No action was taken on their Petition of Right, until in December, 1912, when the present Minister of Justice reported that the claim was not a legal one such as might be submitted to that court, but a matter within the department of the Minister of the Interior, to whom he recommended it to be referred.

Proceedings were interrupted by the long illness of the Minister of the Interior, Dr. Roche. Upon his visiting the West, in the summer of 1913, the subject was pressed upon his notice, and the claimants were led to hope that their case, which had been advocated in Parliament by the Western Conservatives while they were in opposition, would be satisfactorily settled, as soon as the Government found time to properly consider it.

Incidentally here may be noticed the excuse made by the Hon. Frank Oliver, then Minister of the Interior, in replying to Mr. Meighen, to the effect that the homesteaders must be protected from being surrounded by the lands held by "speculators," thereby implying that the

Pioneers, who had made the only use of the country of which it was capable for decades before the Transfer, were less worthy of consideration than the many homesteaders who perform, or are alleged to perform, the slight duties required for the short term of three years, after which a large proportion obtain patents and dispose of their grants to the "speculator." Besides, it may be well to observe, the majority of the claimants are either of the farming class themselves or else people who would make quite as good use of the land as any homesteader.

Following the policy which had become traditional in the Legislative Assembly of Manitoba, in March, 1912, the Hon. Sir Rodmond Roblin, introduced by an eloquent and appreciative speech a resolution that an address be presented to H.R.H. the Governor-General praying for a Royal Commission to enquire into and do justice regarding the claims of the Pioneers. Again, following the traditions of that Assembly, they passed the resolution unanimously. The resultant address was merely acknowledged as having been received at Ottawa.

THE "TOO OLD" AND "NOT LEGAL" EXCUSES REPLIED TO

Ever since the passage of the Acts of 1905, creating the Provinces of Saskatchewan and Alberta, out of the North West Territories without providing on that proper occasion, for the settlement of these claims, as the Pioneers had expected, the Pioneers can not be accused of not pressing their claims vigorously enough in the press, and by correspondence with and delegations to the Dominion authorities.

In the face of the fact THAT THE SETTLEMENT OF THE CLAIMS WAS DELAYED BY THE GOVERNMENT THEMSELVES, DURING ALL THESE LONG YEARS, THE EXCUSE "THAT THE CLAIMS ARE TOO OLD" IS ONE WHICH SHOULD NOT BE OFFERED TO PERSONS OF INTELLIGENCE WITH A SENSE OF JUSTICE.

Another excuse for continuing the discrimination and injustice complained of is that the claims are not of the "legal" nature which would permit them to be tried by the Exchequer Court of Canada. These apologists forget that the Government is bound by the terms of the Union to ratify and confirm them, and, if necessary, by Act of Parliament to make them "legal." If the laws of Canada do not provide a remedy for injustice of any kind, it is the duty and function of the Government to enact legislation for the purpose of "legalizing" a "lawful" claim.

Prepared and issued by the Executive Committee,

PIONEERS OF RUPERT'S LAND

Winnipeg, 20th March, 1914.



181, Langside Street, Winnipeg, 23rd March, 1914.

My dear sir,

You will much oblige us by commenting in your paper upon the matter set forth in the pamphlet, herewith, "Review of the Claims of The Pioneers of Rupert's Land".

It has been prepared not only to try to make the subject clear to the politicians, but more especially to explain it to the public, through the press, with confidence that the justice of the claim will be recognized.

When the facts are clearly placed before them, the Canadian people will not permit the terms upon which the North West entered into Union with Canada to be repudiated.

The old excuse that the Pioneers claims were "too old" can not consistently be used now by the present Government whose gratuities to the Veterans of the Fenian Raids on Eastern Canada, in 1866 and 1870, ~~unquestioned~~ are in recognition of rather an older claim. Moreover, the Pioneers claim for Western lands is very small as compared with the millions of money already paid and intended to be paid out of the taxes of all Canada in satisfaction of benefits to the Veterans of the Fenian Raid.

Again soliciting the courtesy and assistance of your journal in this matter,

I remain,

Yours faithfully,

for The Pioneers of Rupert's Land.

Isaac Cowie